

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

The Utility Consumers' Action Network (UCAN),

Complainant,

vs.

Pacific Bell Telephone Company,

Defendant.

Case 02-01-007  
(Filed January 7, 2002)

Investigation on the Commission's Own Motion  
into the Operations, Practices, and Conduct of  
Pacific Bell Telephone Company (U 1001 C),  
Pacific Bell Internet Services, and SBC Advanced  
Solutions, Inc. (U 6346 C) to Determine Whether  
They Have Violated the Laws, Rules and  
Regulations Governing the Inclusion of Charges  
for Products or Services on Telephone Bills.

Investigation 02-01-024  
(Filed January 23, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING CONSOLIDATING  
PROCEEDINGS, CONFIRMING PREHEARING CONFERENCE DATE, AND  
MODIFYING RULE 49 CASE MANAGEMENT STATEMENT REQUIREMENT**

On January 7, 2002, the Utility Consumers' Action Network (UCAN) filed a complaint, Case 02-01-007, against Pacific Bell Telephone Company (Pacific Bell). UCAN's complaint sets forth various allegations concerning Pacific Bell's billing, customer service, disconnection and marketing practices, and tariff inadequacies, all relating to Pacific Bell's DSL service.

On January 23, 2002, the Commission filed its Order Instituting Investigation 02-01-024 into, among other things, various DSL and Internet service billing and customer service-related practices by Pacific Bell and its affiliates, Pacific Bell Internet Services and SBC Advanced Solutions, Inc.

### **Consolidation**

Both the UCAN complaint and the Commission's investigation will entail examining whether these affiliates' DSL and Internet service-related practices are in violation of state law and Commission orders. Both raise the possibility of reparations and/or penalties should the allegations be shown correct.

While the complaint and investigation each contain allegations and issues not included within the other, there is considerable overlap between them. Rule 55 of the Commission's Rules of Practice and Procedure permit proceedings which involve related questions of law or fact to be consolidated. These two proceedings involve related questions of both law and fact and will be consolidated.

### **Prehearing Conference**

An earlier ruling in the UCAN complaint case set a prehearing conference (PHC) for 2:30 p.m., February 19, 2002 in the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California. Today's ruling gives notice that the currently-scheduled PHC will now expand to include both the UCAN complaint and the Commission's investigation. The date, time and location will not change.

All parties shall be prepared at the PHC to discuss a proceeding schedule, their positions on each of the topics set forth in the case management statement required in the section below, and any other procedural matters helpful to the orderly and expeditious conduct of this proceeding.

### **Case Management Meeting and Statement**

In the earlier ruling, complaint case parties UCAN and Pacific Bell were directed to meet and confer on the topics set forth in the Commission's Rule 49(b), and, within 10 days after the completion of that meeting and conference but not later than February 14, 2002, to file jointly a Rule 49(c) case management statement reporting the results.

Today's ruling modifies that requirement. The parties are no longer required to meet and confer, but all parties to the consolidated proceeding must file case management statements containing the Rule 49(b) information. Parties may file either individually, or jointly with one or more other parties. The filing deadline is changed to February 15, 2002. Because review time before the PHC will be short, each filing party or group of filing parties shall in addition provide an electronic copy or fax copy to each other party who so requests and provides a valid Internet e-mail address or fax number for that purpose. All parties shall serve the assigned Administrative Law Judge by e-mail at [jcm@cpuc.ca.gov](mailto:jcm@cpuc.ca.gov), in addition to providing service in hardcopy. All electronic service is to be by e-mailing a document file attachment(s) in plain text or any common and easily-converted word processing format.

### **Other Procedural Matters**

Parties are advised not to wait for the PHC to commence discovery. Any discovery disputes the parties are unable to resolve may be tendered to the Commission pursuant to the procedure set forth in Resolution ALJ-164.

#### **IT IS RULED that:**

1. Case 02-01-007 and Order Instituting Investigation 02-01-024 are consolidated.

2. The Commission has set a prehearing conference in this consolidated proceeding for 2:30 p.m., February 19, 2002, in the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California.

3. Not later than February 15, 2002, all parties to the consolidated proceeding shall file and serve case management statements covering the topics outlined in Rule 49(b). Parties may file either individually, or jointly with one or more other parties.

4. In addition to the filing and service required in Ruling Paragraph #3 above, each filing party or group of filing parties shall provide by the same date an electronic copy or fax copy of its case management statement to each other party who so requests and provides a valid Internet e-mail address or fax number for that purpose. All parties shall serve the assigned Administrative Law Judge by e-mail at [jcm@cpuc.ca.gov](mailto:jcm@cpuc.ca.gov), in addition to providing service in hardcopy. All electronic service is to be by e-mailing a document file attachment(s) in plain text or any common and easily-converted word processing format.

5. Parties should begin any needed discovery efforts as soon as possible. Discovery disputes the parties are unable to resolve may be tendered to the Commission pursuant to the procedure set forth in Resolution ALJ-164.

Dated February 8, 2002, at San Francisco, California.

/s/ JAMES C. MCVICAR

James C. McVicar  
Administrative Law Judge



**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Consolidating Proceedings, Confirming Prehearing Conference Date, and Modifying Rule 49 Case Management Statement Requirement on all parties of record in this proceeding or their attorneys of record.

Dated February 8, 2002, at San Francisco, California.

/s/ JACQUELINE GORZUCH

Jacqueline Gorzuch

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. Parties must indicate the proceeding number on the service list on which their names appear.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TTY# 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.